

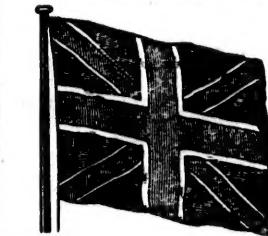




Review

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Boundary Question.

By Alexander Begg,
Author of the History of British Columbia.

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REVIEW OF THE Alaskan Boundary Question

By ALEXANDER BEGG,
Author of the History of British Columbia.

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In writing a "review" of the Alaskan Boundary question, it will be necessary, in order to arrive at an intelligent view of the subject, to take a retrospective glance at the circumstances connected with the passing of the Treaty, going back as far as September, 1821, when the Emperor of Russia issued an edict or ukase containing regulations relative to trade on the northwest coast of America; on the eastern coast of Siberia, and the Aleutian, Kurile and other islands of the Pacific.

The treaty referred to, which defined the line of demarcation between that portion of the continent of North America claimed by Great Britain and Russia, was passed at St. Petersburg in 1825. Its final location, however, has not as yet been settled, although seventy-five years have elapsed since its passing, except that portion of the line of demarcation from the Arctic Ocean running south along the 141st meridian to the North Pacific Ocean. The balance of the international line, which has now come to be required as the boundary between the United States (Alaska) and Canada (British Columbia), southeasterly to the southernmost point of Prince of Wales Island (Cape Chacon), is the portion yet in dispute.

The ukase occupied nearly ten pages of a closely printed pamphlet as laid before the President of the United States, and contained sixty-three sections. The first section set out by stating that "the pursuits of commerce, whaling, fishing and other

industry, on all islands, ports and gulfs, including the whole north-west coast of America to the $45^{\circ} 50'$ north latitude, are all included in the edict for the purpose of granting the same exclusively to Russian subjects." The second section "prohibits all foreign vessels not only from landing on the coasts and islands belonging to Russia, but, also, does not permit them to approach those coasts and islands within less than one hundred Italian miles, without the vessels being subject to confiscation, along with the whole cargo." (An Italian mile measures 2,025 yards.)

A writer in the *North American Review*, (new series, number 37, printed in Boston, 1822,) remarks: "We doubt if pretensions so extravagant and unfounded—so utterly repugnant to the established laws and usages of nations—have been set up by any government claiming rank among civilized nations since the dark ages of ignorance and superstition, when a bull of the Holy See was supposed to convey the rights of sovereignty over whole continents, even in anticipation of their discovery." * *

* * Even the attempts of Spain to usurp the exclusive navigation of the South Sea, in the vicinity of her American possessions, arbitrary as they were, and violating as they did the indisputable rights of other nations, must, when examined with reference to the different periods when they were made, yield in absurdity to the claims now before us."

President Adams, on receiving the Russian edict, along with a note from the Russian Ambassador, M. de Poletica, expressed surprise at the extraordinary claim set forth, and inquired if M. de Poletica "is authorized to give explanations of the grounds of right upon principles generally recognized by the laws and usages of nations, which can warrant the claim and regulation contained in the edict?"

M. de Poletica, in reply, declared himself "happy to fulfil the task," and wrote a lengthy letter to the Secretary of State, from which it would appear that the edict chiefly related to, "as he said, 'the new regulations adopted by the Russian American Company, and sanctioned by His Majesty the Emperor, relative to foreign commerce, in the waters which border upon the establishments of the said company on the north-west coast of America.' "

The reply of M. de Poletica, which, according to his proposition of fulfilling the task, was to contain certain historical facts, is published in full in the *Review*, and is shown to be incorrect and erroneous, in many of the important points which the ambassador undertook to establish.

In his criticisms, the writer in the *Review* goes on to say: "A few years afterwards, it (Norfolk Sound) was visited for com-

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mercial purposes, and, abounding in valuable furs, soon became the general resort of all those engaged in that trade. It was frequented by the vessels of Great Britain, France, and the United States several years before the Russians had extended their excursions so far eastward, and it is, therefore, clear that they had no claim on the ground of occupation. If, then, prior to 1799, Russia possessed no rights on this part of the coast, but such as were common to and enjoyed by other nations, we confess," the reviewer continues, "ourselves unable to perceive why the establishing of a few hunters and mounting some cannon in the corner of Sitka Bay, should give her the right of retaining an intercourse and interdicting a commerce which had hitherto been as free as air, and prohibiting the approach of vessels of other nations to shores which the navigators of such nations first discovered and explored. The claim of Russia to sovereignty over the Pacific Ocean, north of latitude 51°, on the pretence of its being 'a close sea,' is, if possible, more unwarrantable than territorial usurpations."

"We have," the *Review* writer continues, "the authority of Humboldt for stating, that in 1802, the Russian government limited their territorial claims to the north of 55°. They are now extended to 51°, and M. de Poletica informs us, that this is only a moderate use of an incontestable right—intimating that the just claims of Russia extend still further south. If these usurpations are submitted to, is it improbable that a further use may be made of 'incontestable rights'? With the ingenuity which that gentleman has displayed, it would not be difficult to extend the Russian claims quite to the borders of California, and establish them there as satisfactorily as he has done to the 51st degree. The Russians have already made a considerable settlement on Spanish territory at Port Bodega in latitude 40°, and it is possible that, guided by the same spirit of philanthropy which prompted the dismemberment of Poland, the august Emperor may choose to occupy the fertile but defenceless province of California and annex it to his already extensive dominions. *

* * * Great Britain, we apprehend, may see fit to advance claims that will be found to conflict with those of Russia. * *

* * * In justice to the memory of her celebrated navigators, Cook and Vancouver, we must declare," continues the reviewer, "that the world is more indebted to their indefatigable labours for a correct knowledge of the coast than to those of all others who have visited it. Her subjects were the first Europeans who engaged in the fur trade, and a free access to the interdicted shores, is, at the present time, as important to them as to those of any other power."

A reference to "Captain George Vancouver's voyages of Discovery" in the years 1790-'91-'92-'93-'94 and '95, shows that during the summer of 1794, two of his boats in charge of officers Whidbey and Johnstone had been engaged in exploring and surveying the northwestern coast of North America, from Cape Spencer to Port Conclusion. They had instructions from Captain Vancouver in concluding the survey, and in the event of the two parties meeting, to put the finishing stroke on the examination of those shores, within the limits of Captain Vancouver's commission, to take possession of the continent from New Georgia northwestward to Cape Spencer, as also of all adjacent islands which had been discovered within those limits, in the name of and for His Britannic Majesty, his heirs and successors. These instructions were carried into effect to the full extent, for it is recorded in the "Voyages" referred to that the parties met on the 17th of August, 1794, and on "stopping to dine, the boat's colours were displayed; the boat's crews drawn up under arms, and possession taken under the discharge of three volleys of musketry, with all the other formalities usual on such occasions; and a double allowance of grog was served round to the respective crews for the purpose of drinking His Majesty's health. The happy meeting of the two parties having taken place on the birthday of His Royal Highness, Frederick, Duke of York, the sound in which they met, Captain Vancouver says: "I honoured with the name of Prince Frederick Sound, and the adjacent continent, northwestward from New Cornwall to Cross Sound, with that of New Norfolk." Thus by discovery, survey and taking possession of the continent and islands as specified, the title and sovereignty of the whole was unquestionably vested in Great Britain.

The British Government having learned of the promulgation of the Russian edict, lost no time in representing to the court at St. Petersburg that His Britannic Majesty could not admit or consent to the regulations contained in the ukase. The Right Honourable George Canning, then Secretary of State for Foreign Affairs, nominated Sir Charles Bagot, British plenipotentiary at St. Petersburg; and instructed him to proceed to the Russian court, to open a convention to have the ukase abrogated, and the territorial boundaries between Great Britain and Russia defined and established upon the basis of the instruction forwarded to Sir Charles Bagot in 1822. The Russian plenipotentiaries were Mons. de Poletica, the Imperial Chancellor of State, and Count de Nesselrode, Imperial Secretary of State.

Many conferences were held, and propositions and counter-propositions made on both sides, which lasted over two

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years. In a despatch from G. Canning to Sir C. Bagot, dated 20th January, 1824, a letter from Mr. Pelly, chairman of the Hudson's Bay Co., is referred to. It represents that the most southern establishment of Russia on the northwest coast of America is Sitka, in latitude 57°. Mr. Pelly positively affirms that the Russians have no settlement on the mainland, nor any commerce to the eastward of the coast. In the same despatch Mr. G. Canning remarks: "The questions at issue between Great Britain and Russia are short and simple. The Russian ukase contains two objectionable objections: First, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominions." * * *

Sir Chas. Bagot, on 17th March, 1824, sent a despatch to G. Canning stating "it is with feeling of considerable disappointment that after constant negotiations for more than six weeks, after having gone to the utmost limit of your instructions, and after having taken upon myself to go beyond them, I should, nevertheless, have to acquaint you that I have entirely failed in inducing the Russian Government to accede to what I consider to be a fair and reasonable adjustment of our respective pretensions on the northwest coast of America, or the adoption of any line of territorial demarcation which appears to me reconcilable under the spirit of your instructions, with our legitimate interests in that quarter of the world."

"In order that I may put you in complete possession of the whole course of my negotiations upon this subject, and may explain the precise grounds upon which I have felt myself compelled to suspend for the present all further proceedings in this business, it will, I fear, be necessary that I should enter into detail, and that I should load this dispatch with several papers which are now become of importance. It was on the 16th of last month that I had my first conference with the Russian plenipotentiaries. * * * I laid before them Count Leiven's note to you of January 31st, 1823, proposing that the question of strict right should be provisionally waived on both sides, and that the adjustment of our mutual pretensions should be made upon the sole principle of the respective convenience of both countries. * * * This basis of negotiation was willingly accepted by all parties."

A proposal was verbally made by Sir Charles Bagot "to make as the boundary, a line drawn through Chatham Strait to the head of Lynn Canal, thence northwest of the 140th degree of west longitude, and thence along that degree of longitude to the Polar Seas." This proposal was taken for consideration by the Russian plenipotentiaries, who at the next conference offered a contra project, which was reduced to writing, and marked

"A." It was, generally speaking, found to be inadmissible. Sir Charles Bagot then submitted a modification of his original proposal—marked "B," to be submitted at the next meeting of conference. At the next meeting, paper "B" was met by objections, and a paper marked "C" brought in by the Russian plenipotentiaries, which was replied to by a paper from Sir Charles, marked "D," which contained his ultimate proposition, and stated that it never had been affirmed by the plenipotentiaries of His Imperial Majesty, that Russia possessed any establishments whatever on the mainland south of 60° or 59° north latitude.

Ten days after Sir Charles Bagot had presented paper "D" he was invited to another conference, when he was informed that the Imperial Government had, after anxious consideration taken their final decision, and that they must insist upon the demarcation as described by them in the first paper marked "A." Finding this to be the case, Sir Charles stated to them that he had already gone far beyond the utmost limit of his instructions, and that he was sorry to say that he must "now consider the negotiations as necessarily suspended, so far, at least, as the question of territorial demarcation was concerned." "Such has been the course of my last negotiations upon the question, and such the grounds upon which I have thought it my duty to suspend it for the present."

On the 12th of July, 1824, the Right Hon. G. Canning sent another despatch to Sir Charles Bagot stating—"After full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between the British and Russian occupancy on the northwest coast of America, and of the comparative inconvenience of admitting some relaxation in the terms of Your Excellency's last instructions, or of leaving the question between the two governments unsettled for an indefinite time, His Majesty's government have resolved to authorize Your Excellency to include the south points of Prince of Wales Island within the Russian frontiers, and to take as a line of demarcation a line drawn from the southernmost point of Prince of Wales Island, from south to north, through Portland Channel, till it strikes the mainland in latitude 56°; thence following the sinuosities of the coast along the base of the mountains, nearest to the sea to Mount Elias, and thence along the 139th degree of longitude to the Polar Sea" (The degree of longitude was afterwards corrected to the 141st meridian.) The despatch continues: "The advantages conceded to Russia by the line of demarcation traced out in this convention, are so obvious, as to render it quite impossible that any objection can reasonably be offered on the part of the Russians."

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government to any of the stipulations in our favour. There
are two points which are left to be settled by Your Excellency.
First, in fixing the course of the eastern boundary of the strip
of land to be occupied by Russia on the coast. * * * * *
This is done by a process that that line shall in no case be car-
ried further to the east than a specified number of leagues from
the sea." The distance specified in the treaty is ten marine
leagues from the ocean—and "shall never exceed the distance of
ten marine leagues therefrom."—(Article IV. of Treaty.)

Sir Charles Bagot was succeeded as British plenipotentiary
at St. Petersburg, by Mr. (afterwards Sir) Stratford Canning,
who was appointed under instructions dated December 8th,
1824, as follows: "Sir,—His Majesty having been graciously
pleased to name you his plenipotentiary, for considering and
signing with the Russian Government a convention for termin-
ing the discussions which have arisen out of the promulgation
of the Russian ukase of 1821, and for settling the respective
territorial claims of Great Britain and Russia, on the northwest
part of America, I have received His Majesty's commands to
rect you to repair to St. Petersburg for that purpose, and to
furnish you with the necessary instructions for terminating this
ng protracted negotiation. * * * * * The whole nego-

tion grows out of the ukase of 1821. * * * So entirely and
solutely true is this proposition, that the settlement of the
limits of the respective possessions of Great Britain and Rus-
sia on the northwest coast of America was proposed by us, only
a mode of facilitating the adjustment of the differences aris-
ing from the ukase, by enabling the Court of Russia, under
one of the more comprehensive arrangement, to withdraw,
with less appearance of concession, the offensive pretensions of
that edict. The rights of his subjects to navigate freely in the
Pacific cannot be held as a matter of indulgence from any power.
Having once been publicly questioned it must be publicly ac-
knowledged."

'It is comparatively indifferent to us whether we hasten
postpone all questions respecting the limits of territorial
session on the Continent of America; but the pretensions
the Russian ukase of 1821, to exclusive dominion over the
Pacific could not continue longer unrepealed without compell-
us to take some measure of public and effective remon-
ance against it." * * * * * The despatch from the Right
Hon. C. Canning, covering the appointment of Stratford Can-
ning, concludes by stating: "It remains only in recapitulation
to remind you of the origin and principles of the whole negotia-
tion. It is not, on our part, essentially a negotiation about limits.
It is the demand of the repeal of an offensive and unjustifiable

arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia. * * * We negotiate about territory to cover the remonstrance upon principle. But any attempt to take undue advantage of this voluntary facility, we must oppose. If the present project is agreeable to Russia we are ready to conclude and sign the treaty. If the territorial arrangements are not satisfactory we are ready to postpone them; and to consider and sign the essential part, that which relates to navigation alone, adding an article stipulating to negotiate about territorial limits hereafter. But we are not prepared to defer any longer the settlement of that essential part of the question; and if Russia will neither sign the whole convention, nor that essential part of it, she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretensions of the ukase of 1821, and of effectually securing our interests against the possibility of its future operations."

Mr. Stratford Canning, before proceeding to St. Petersburg, as plenipotentiary to succeed Sir G. Bagot, was furnished with a royal diplomatic letter of introduction from His Britannic Majesty, King George IV., which doubtless had a beneficial effect on the success of his mission. The royal letter was as follows:

"His Majesty King George to the Emperor of Russia:

"Sir: My Brother,—In pursuance of your Imperial Majesty's invitation to nominate a plenipotentiary to assist on my part in the conference which your Imperial Majesty is desirous of holding at St. Petersburg for considering a plan of pacification between the Ottoman Porte, and the Greek Provinces, I have selected for that special commission, the Right Honourable Stratford Canning, a member of the Privy Council, late my envoy extraordinary to the United States of America, when circumstances which have no doubt been already stated to Your Imperial Majesty, by Your Imperial Majesty's ambassador at my court, and which will be more fully explained to Your Imperial Majesty by Mr. Stratford Canning himself—oblige me to hesitate in taking a part in those deliberations. Being, however, equally animated with a sincere desire to come to a complete understanding with Your Imperial Majesty on the important subjects to which these conferences have related, I have still determined to direct Mr. Stratford Canning to proceed to your court for the purpose of explaining to Your Imperial Majesty, with perfect frankness, my sentiments thereupon. He is authorized to conclude certain other negotiations which have

been some time pending with Your Majesty's government, relating to the navigation of the Pacific and to the boundaries of our possessions on the northwest coast of America; and the experience I have had of his talents and zeal for my service, assure me that he will render himself agreeable to Your Imperial Majesty.

"I request that Your Imperial Majesty will give credence to all he shall say to you on my part, more especially when he shall reiterate to Your Imperial Majesty the assurances of my earnest desire to cement more and more the union and good understanding which have so long and happily subsisted between our two crowns.

"With sentiments of invariable friendship, I am, sir, my brother,

"Your Imperial Majesty's Good Brother,
MANU REGIA. GEORGE R.

Carlton Place, 8th December, 1824.

To My Good Brother, the Emperor of All the Russias.

Mr. STRATFORD CANNING, on February 17th, 1825, forwarded a despatch to Mr. G. Canning containing the treaty which had been concluded and signed on the 16th of February. Very slight changes were made in the convention. The line of demarcation along the strip of land on the northwest coast of America, assigned to Russia, Mr. Stratford Canning states, "is laid down in the convention agreeably to your directions.

* * * * * The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiations to a satisfactory and prompt conclusion, is the division of the third article of the new project, as it stood when I gave it in, into the 3rd, 4th and 5th articles of the convention signed by the plenipotentiaries. * * * * *

The second paragraph of the 4th article, had already appeared parenthetically in the 3rd article, of the project, and the whole of the 4th article is limited in its signification and connected with the article immediately preceding it by the first paragraph." Again, Mr. Stratford Canning states to George Canning: "You are aware, sir, that the articles of the convention which I conclude, depend for their force entirely on the general acceptance of the terms in which they are expressed."

The 3rd, 4th and 5th articles of the treaty forwarded by Mr. Stratford Canning are as follows:

"III. The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America to the northwest, shall be drawn in the manner following: Commencing from the southernmost point

of the island called Prince of Wales Island, which point lies in parallel of 54 degrees, 40 minutes north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the frozen ocean, shall form the limit between the Russian and British possessions on the continent of America to the northwest.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood:

"First. That the island called Prince of Wales Island shall belong wholly to Russia.

"Second. That wherever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

"V. It is moreover agreed that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other; consequently British subjects shall not form any establishment either upon the coast or upon the border of the continent comprised within the limits of the Russian possessions, as designated in the two preceding articles; and in like manner no establishment shall be formed by Russian subjects beyond the said limits.

"IX. The liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms or other arms, gunpowder or other warlike stores, the high contracting parties, reciprocally engaging not to permit the above mentioned articles to be sold or delivered in any manner whatever, to the natives of the country."

On the receipt of the treaty duly executed from Mr. Stratford Canning the Right Hon. G. Canning under date April 2nd, 1825, acknowledged the same as follows: "Sir: Your dispatches were received on the 21st March. Having laid them be-

fore the King, I have received His Majesty's command to express His Majesty's particular satisfaction at the conclusion of the treaty respecting the Pacific Ocean and northwest coast of America, in a manner so exactly conformable to your instructions, and to direct you to express to the Russian Government the pleasure which His Majesty derives from the amicable and conciliatory spirit manifested by that government in the completion of that transaction."

The treaty having been completed and accepted as satisfactory by each of the high contracting parties, the occupancy of the northwest coast of America was thenceforward between the Hudson's Bay Company and the Russian Company—the former with headquarters at Fort Vancouver, on the Columbia River (transferred to Victoria, Vancouver Island, in 1843—its original name, "Fort Camosun," was continued until 1846, when it was named Victoria); the Russian Company had headquarters at Sitka. The two companies managed their affairs without much friction under the treaty. About the year 1838, for mutual convenience, a lease was granted by the Russian governor at Sitka, to the Hudson's Bay Company of all rights and privileges possessed by Russia for an annual rental of two thousand landotter skins. This arrangement was continued between the fur companies until about the time of the purchase of Russian America by the United States, in 1867.

As soon as Secretary of State Seward obtained possession of the Russian territory, he had the Russian flag at Sitka lowered and the United States "Stars and Stripes" hoisted in its stead. For some time after the purchase of Alaska from Russia, public affairs in British Columbia were in a state of transition, from the Colonial government to that of Confederation; so that but little attention was paid to what was going on in the remote and almost unknown regions of Alaska. The federal government did not show very much interest in having the international boundary line defined and settled. British Columbia was not in a position to take the initiative, and her leading men had to be content with making representations to the Dominion Government.

In 1885, the late Mr. T. F. Bayard, then United States Secretary of State, revived public interest in the subject, by applying to Lord Salisbury, through the United States ambassador at the London Legation, for concurrence in appointing a commission to define the Alaskan boundary, as had been recommended by President Grant in 1872. Lord Salisbury concurred in the appointment as requested. Colonel D. R. Cameron, R.A., was requested in March, 1886, to report on the boundary question. His report was completed September, 1886.

The communication to Lord Salisbury from Ambassador Phelps was chiefly an echo of Mr. Bayard's letter, requesting concurrence in the appointment of a commission to define the Alaskan boundary. This document now becomes specially important, inasmuch as it embodies Mr. Bayard's views of the line, of demarcation from its commencement at the southernmost point of Prince of Wales Island, and as those are the views advocated by the United States as being the boundary line set forth in the treaty, viz., via Portland Canal, to the 56th parallel of north latitude.

On the other hand, British subjects in British Columbia and elsewhere in the Dominion of Canada, base their views on the wording of the treaty, and on the line of direction stated therein, as outlined by the Right Hon George Canning in his despatch to Sir Charles Bagot, July, 12th, 1824, and enlarged in accordance with Mr. Stratford Canning's instructions of December 8th, 1824, in connection with his letter to the Emperor of Russia from His Britannic Majesty, George IV., which, undoubtedly, with the addition of the whole of Prince of Wales Island being conceded to Russia, had a pacific influence in rendering the treaty acceptable to the Russian court.

Mr. Bayard probably expected that his route would pass unchallenged, when he remarked that his conviction was "that it was the intention of the negotiators that the boundary line should directly follow the broad natural channel of Portland Channel, midway between the shores, and extend, if need were, inland in the same direction until the range of hills should be reached at or near the 56th parallel." "It is not," he continues, "therefore conceived that this water part of the boundary line can ever be called in question between the two governments."

It may be remarked here that there was no such channel marked on any of Captain George Vancouver's maps or charts. Portland Canal was so named by him and referred to in his "Voyages" published in 1798, under the authority of the British government. Another edition of Vancouver's Voyages was published in 1801, and the change from Portland Canal to Portland Channel is made in that edition without any remark or authority. The substitution of Portland Canal for Portland Channel has caused the crucial difficulty in reconciling the description of the line of demarcation as given in the treaty. According to Mr. Bayard's interpretation, and also to that of Colonel Cameron, the line would proceed due east, instead of north from Cape Chacon, to reach Portland Canal. The Right Hon. G. Canning in his despatch to Sir Charles Bagot, describes the line, as "running from SOUTH to NORTH, to the 56th parallel of north latitude; so, therefore it appears, the description of the line of demarca-

tion from Cape Chacon to the 56th parallel, given by Sir Charles Bagot in statement "D," together with the confirmation of the same by G. Canning in his despatch of 12th July, 1824, furnish proof that the framers of the treaty applied the name Portland Channel to Clarence Strait; but as the line of demarcation, according to Sir C. Bagot's description, had to leave Clarence Strait, on reaching Duke of York Island, to meet the requirements of the treaty, and must proceed eastward and follow Ernest Sound until the coast of the continent was reached at 56 degrees; the combined Clarence Strait and Ernest Sound, therefore form the channel described in the treaty, which was called Portland Channel—in conformity with the treaty, but which would have been impracticable in connection with Mr. Bayard's or Col. Cameron's line of demarcation.

Article IV. of the treaty modified and annulled several propositions made before the suspension of negotiations by Sir G. Bagot, which were allowed to drop. Amongst those were the zealous efforts of the Russian plenipotentiaries to obtain Portland Canal as a portion of the eastern boundary line. The diplomatic action of Mr. Stratford Canning in connection with the letter of King George IV. foiled the expectations of the Russian plenipotentiaries, and left them no option but to sign the treaty as made out in convention. This was accomplished by the concession of the whole of Prince of Wales Island to Russia. It swept away many difficulties and left the terms of the treaty clear and capable of reasonable interpretation. It also pointed out a practicable water boundary from the 56th parallel of latitude where the line of demarcation reached the continent in accordance with the treaty, ten leagues from the ocean.

To continue the line of demarcation from the point on the continent at the 56th degree, towards the intersection of the 141st meridian near Mount Elias, it would be necessary to retrace westward through Ernest Sound, the former line from Cape Chacon along the east coast of Prince of Wales Island, and proceed along the extended line northward to the end of the island ten marine leagues from the ocean, and thence northerly between islands Kuiu and Kupreanof to Prince Frederick Sound, and on reaching the 57th degree of latitude proceed west to Chatham Strait, which could be followed to Icy Strait or to Taylor Bay for convenience of landing on the strip of land provided on the continent within ten marine leagues from the ocean to the intersection of the 141st meridian.

In an article on the Alaskan Boundary, which appeared in November (1899) number of the *National Geographic Magazine*, the Hon. John W. Foster, ex-Secretary of State for the United States, is reported as stating that "much of the difficulty on

reaching an agreement on this point (the correct location of the boundary) grew out of the imperfect geographic knowledge of the period." That need not follow, for Mr. Foster admits and writes that "in 1792-95, George Vancouver, under the direction of the Admiralty, made the first accurate and scientific survey of the northwest coast of America, and his charts were published in 1798. These charts were for more than a generation the basis and source of information of all maps of that region."

Mr. Foster, delineating the first section of the treaty of 1825, quotes Article III. and states, it provides that "commencing from the southernmost point of the island called Prince of Wales Island, which lies in the parallel of 54 degrees 40 minutes north latitude * * * the said ((boundary) line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude."

The foregoing quotation from the treaty should be enough to satisfy Mr. Foster, that as the treaty expressly and plainly says, the boundary should commence at the southernmost point of Prince of Wales Island and shall ascend to the north, etc., it is impossible to reach the 56th degree on the continent by the line indicated in the treaty by going east to Portland Canal, which is not mentioned in the treaty; neither is there any authority in the treaty of 1825 to commence the boundary line at Cape Muzon as it has been drawn on the United States official charts and maps. Although Cape Muzon is situated on Dall Island west of Prince of Wales Island it may yet be claimed by Great Britain as belonging to Queen Charlotte Islands, immediately opposite across Dixon Entrance.

"The United States holds," Mr. Foster further states, "that under this provision the line starting from the extremity of Prince of Wales Island, shall enter the broad, deep, and usually navigated opening of Portland Canal * * * and pass up to its head, and thence on the continent to the 56th degree of latitude." There is nothing in the treaty to indicate such a course; besides, the opening of Portland Canal (or channel as Mr. Foster is pleased to name it) is seldom navigated, as there is no trade in that direction. In the same paragraph Mr. Foster undertakes to define "the present contention of Great Britain," which he says is understood to be "that the line from the extremity of Prince of Wales Island should enter the tortuous and narrow channel, now known on the British Admiralty charts as Pearse Canal, and thence up Portland Canal to the 56th degree; thus placing Wales, Pearse, and a few small islands in British territory."

No such contention has ever been published or advocated by any party having authority in Canada or Great Britain to

adopt such a route, which is entirely opposed to the wording of the treaty; and the statement or contention said to be held by the United States, that the line should "enter the broad, deep and usually navigated opening of Portland Canal, etc." is entirely fallacious. Neither have those who have examined the question in an unbiased manner, ever thought of the boundary line going east by way of Pearse Canal or by Portland Canal. The contention of British subjects who have studied and become acquainted with this boundary question, is, that the line should from Cape Chacon, follow Clarence Strait north, nearly along the 132nd meridian, and in accordance with the description given in the treaty, until opposite Ernest Sound, when it runs eastward through Ernest Sound, until it reaches the coast of the continent at 56 degrees, as specified in the treaty; thence returning westward to the boundary already outlined from Cape Chacon, along the east coast of Prince of Wales Island, it follows the coast of the island to its northern end; thence following a conventional water boundary, ten marine leagues from the ocean as required by the treaty until the continental shore of the North Pacific is reached, and then along that coast, ten marine leagues from the ocean, to the 141st meridian, and thence along that meridian to the Arctic Ocean.

This brings us to a late date in the review of this boundary question. The Joint Commission which had been appointed to determine the line between Alaska and Canada met at Quebec and discussed the question for weeks, without being able to agree on a settlement, so they adjourned *sine die*. They next met at Washington, D.C., in February, 1899; but found they were still unable to agree on the question. The British commissioners proposed it should be referred to arbitration and that an "arbitral tribunal" be immediately appointed to consist of three jurists of repute, one on the part of Great Britain, one on the part of the United States, and of a third jurist to be selected by the two persons so nominated, to be governed by the following rules:

(a.) "Adverse holding or prescription during a period of fifty years shall make a good title. The arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding or make title by prescription."

(b.) "The arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law, and on any principles of international law which the arbitrators may deem applicable to the case, and which are not in contravention of the foregoing rule."

(c.) "In determining the boundary line, if territory of one party shall be found by the tribunal to have been at the date of this treaty in the occupation of the subjects or citizens of the other party, such effect shall be given to such occupancy as reason, justice, the principles of international law, and the equities of the case shall, in the opinion of the tribunal require."

The commissioners of the United States accepted the foregoing proposals made as the basis of adjustment, but desired the rules modified as follows:

Rules (a) and (b) to stand as submitted, but (c) to read as follows: "In considering the 'coast' referred to in said treaties, mentioned in Article III, it is understood that the coast of the continent is intended. In determining the boundary line if territory of one party shall be found by the tribunal to have been at the date of this treaty in the occupancy of the subjects or citizens of the other party, such effect shall be given to such occupation as reason, justice, and the principles of international law shall, in the opinion of the tribunal, require; and all towns and settlements on tide water, settled under the authority of the United States and under the jurisdiction of the United States at the date of this treaty, shall remain within the territory and jurisdiction of the United States."

In reply the British commissioners stated that they were "absolutely unable" to accept the change in rule (c), and said: "In considering the 'coast' referred to, while it was probably intended by this clause that the line should be drawn upon the continent, the language used is open to misconception." They also objected to the words added "that all towns or settlements" on tide water, settled under the authority of the United States, etc., as being a marked and important departure from the rules of the Venezuela boundary reference, and could not be adopted.

Referring to the arbitral tribunal proposed by the United States commissioners, which was to consist of six impartial jurists, three on the part of Great Britain, and three on the part of the United States—the United States commissioner, were of opinion that the selection of an umpire should be made from the American continent. It was finally agreed by and between the commissioners that all subjects before the Joint Commission should be referred to their respective governments. The commission then adjourned and separated.

Since the appointment of the Joint Commission of the Washington Convention of 1892, which was formed "with a view to the ascertainment of the facts and data necessary to the permanent delineation of the boundary line from latitude 54 degrees 40 minutes northward to the 141st degree of longitude, in accordance with the spirit and intent of the existing treaties in

regard to it between Great Britain and Russia, and between the United States and Russia," great and important changes have taken place in those northern regions. The valley of the Yukon has been found to be one of the richest gold producing districts in the world. Lynn Canal, as the most available route to the Yukon country, has been adopted, with Skagway as the gateway to the Klondike and Dawson. Hundreds of thousands of miners and others crowded there in 1897-8, in the face of extreme danger and difficulty.

In the meantime another gold mining district was found in the northern part of Cassiar, British Columbia, near Atlin and Teslin Lakes. A prospecting party, by way of Juneau, came through there in 1898 to Atlin Lake and discovered, in that neighbourhood rich gold diggings. Other parties soon followed, and before winter set in, over \$100,000 had been mined. An Act of the Legislature of British Columbia (the Alien Act) was passed prohibiting miners not subjects of Great Britain from gold mining in British Columbia under certain restrictions. This prevented a large number of intending miners from taking up locations in the Atlin district, and limited the output of 1899; yet it is computed to have reached fully one and a half million dollars.

Intending miners, therefore, took up claims in the Porcupine district, within the boundary strip claimed by the United States. They made their headquarters at a small Indian village, Klukwan, fifteen miles from tide water, at the head of Chilcat Inlet, a branch of Lynn Canal. A *modus vivendi* has been passed on the Tlchini River, as a temporary boundary, as claims do not cross from one side of the river to the other. Neither has this temporary boundary any bearing on the main question of the 1825 boundary line proper, which must be left to future discussion and arrangement. A *modus vivendi* has also been passed at Dyea Pass and White Pass, at the summit—for similar purposes.

So the matter rests at present, with the exception, however, that United States subjects continue to squat on locations for mining and fishing in and on the island Revilla Gigedo and other islands in that locality, which seems to add to and intensify the complications and difficulties of a final settlement of the boundary dispute.

Although Hon. ex-Secretary of State Foster stated that "much of the difficulty of reaching an agreement on the correct boundary line grew out of the imperfect geographical knowledge of the period," an investigation of the circumstances shows by reference to Capt. Vancouver's maps and charts, that Mr. Foster's assertion cannot be supported. For instance, the descrip-

tion of Admiralty Island and the neighbouring continental shores point out most distinctly that along the precipices, inlets, and glaciers, was no suitable place for a boundary line. The modern engineers and surveyors of the Joint Commission proved this clearly. They could not travel over those places, and were obliged to call in the aid of photography to arrive at the heights and distances of the region.

Sir Charles Bagot, and the Home Secretary had Vancouver's maps, charts and descriptions before them, and so outlined the line of demarcation between Russia and Great Britain, according to the treaty, at the distance of ten marine leagues from the ocean. To make their meaning clear, they indicated a land mark on the continent at the 56th degree of latitude, and gave the whole of Prince of Wales Island to Russia.

As shown in Vancouver's Atlas, sheet 7, the waters of the Pacific Ocean washed Prince of Wales Island, from Cape Chacon, the southernmost portion of that island, along its eastern shore; following the northern shore and turning southward at Point Baker, the name "Duke of Clarence Strait" is given along the island from Cape Chacon until the 56th degree of latitude is reached opposite Cape Decision. On the chart referred to it is recorded that Captain Vancouver passed this point 22nd September, 1793, and 24th August, 1794.

But the treaty mentions that the boundary line is required to reach latitude 56 degree at the coast of the continent. This is accomplished by passing along Clarence Strait and Ernest Sound to the coast. In Sir Charles Bagot's description (in statement "D") of the proposed line, to the Russian plenipotentiaries, which is recorded in a despatch to Mr. G. Canning, he says: "It would appear that a line traced from the southern extremity of the Straits named Duke of Clarence Sound, by the middle of those straits, to the middle of the straits that separate the islands of the Prince of Wales and the Duke of York, and the islands situate to the north of the said islands; thence toward the east by the middle of the same strait to the continent, and thence prolonged in the same direction and manner already proposed by His Majesty's plenipotentiary to Mount Elias, or to the intersection of the 140th (since changed to 141st degree of longitude) would form a line of demarcation which would conciliate, perhaps in a satisfactory manner, the reciprocal interests, present and future, of both Empires in this part of the globe."

There is no mention of Portland Canal or going east in the foregoing description. Further, Mr. Canning in his instructions to Sir Charles, dated July 12th, 1824, distinctly says: "His Majesty's government have resolved to authorize Your Excellency to consent to include the south points of Prince of Wales

Island within the Russian frontiers, and to take, as a line of demarcation, a line drawn from the southernmost point of Prince of Wales Island, from south to north through Portland Channel, till it strikes the mainland in latitude 56 degrees. The route was named Portland Channel, presumably, as Clarence Strait, as we have seen, was left opposite Ernest Sound. It would be necessary, therefore, at the point on the coast of the continent, that a new departure should be made to reach the intersection of the line with the 141st meridian, near Mount Elias.

It would appear from Article IV. of the treaty that Stratford Canning decided on the boundary from that point, being drawn ten marine leagues from the ocean. The easiest, fairest and most convenient plan to do that would be to retrace the line of deviation back to that already run through Clarence Strait, named Portland Channel in the treaty, and continue that line along the eastern and northern shore of Prince of Wales Island, as already outlined in this review. Such an arrangement would obviate the attempt of forming a boundary line along the frontier of the continent, which would prove useless and impracticable. It would leave the frontier of British Columbia intact, and furnish the United States (instead of Russia) with ample facilities to carry on any industry along the large islands fringing the Pacific Ocean and along the strip of continent, extending about five degrees of longitude from Glacier or Taylore Bay, beyond Icy Strait. It would give them any number of excellent harbours, and the control of valuable fisheries and the timber on Prince of Wales Island, and the other ocean frontier islands north to the continent at Cross Sound. The arrangement was made between two friendly powers, and after the treaty was signed, was acknowledged to be satisfactory to each—and it should be so to the present day, although many United States sympathizers do not seem to interpret the treaty in that light.

Political feeling runs very high in the United States and it may be that this boundary question is used by the United States press to influence parties *pro* or *con* as the case may be. It has been discussed by their leading writers in the New York, Chicago, San Francisco and other papers. The Seattle papers, being our nearest neighbours have been the most lively. The Seattle Chamber of Commerce has discussed very forcibly what they call "the British Claims." They, of course, advocate that the boundary line should be run along Portland Canal. The Victoria *Colonist*, in 1895, referring to a report of the Seattle Chamber of Commerce, says: "From the language of the treaty it will be seen that the boundary commences at the most southernmost point of Prince of Wales Island and then runs north until it reaches a point on the mainland at the 56th degree of

north latitude. Now, if any member of the Seattle Chamber of Commerce looks at the map drawn by Vancouver or anyone else, and starting north from the most southern point of Prince of Wales Island, and keeping on in that direction until he reaches the 56th parallel of latitude, he will certainly trace along a channel, but not what is called Portland Canal, nor will he go near the Portland Canal, or the line which our good neighbours contend is the true boundary line. It is easy to give a new name to a channel, or to mistake one channel for another, but the points of the compass have always the same name, and are always in the same direction. Our contemporary and those who contend for the line now assumed to be the true one, must see that they start in the wrong direction. What would be thought of the surveyor who, when he was instructed to start from a point clearly defined northwards, ran his line due east, and afterwards had the impudence to contend that the line was right, and according to his instructions? Let our American friends "stick to the point"—Point Chacon—and go north as the treaty enjoins from that point, and they will find they will not get near the line they are trying to make the people believe is the right one. Besides, Portland Canal is not mentioned in the treaty. We trust we have been explicit enough in this article. We contend that our American friends start in the wrong direction; and we need not tell them that in beginning to run a line it is of the utmost importance that the compass points exactly in the direction the description requires. The least variation the one way or the other vitiates the whole line and the work must be done over again. In this Alaska line our friends are something like 90 degrees astray."

The House of Representatives of the State of Washington, in 1895, passed the following resolution, calculated to arouse anything but peaceful feelings amongst the people, relative to the fair settlement of the Alaskan boundary question. It reads: "Whereas England, with her usual cupidity and avarice, and pursuant of her time-honoured custom of attempting, at all hazards, to get control of all newly developed sources of wealth, in whatsoever country situated, and to appropriate to her own benefit the present and prospective commerce of the seas, whether rightfully or otherwise, has asserted claims to harbours, bays and inlets, through which the greater portion of the commerce and trade of and with the territory of Alaska must be carried on, and which, of right, belongs to the United States.

"And whereas the United States will be robbed and despoiled of the trade and commerce of a veritable empire, and suffer a diminution of the wealth with which nature has en-

dowed said territory, if the claims and policy of Great Britain as aforesaid shall prevail:

"Therefore, be it resolved by the House of Representatives of the State of Washington, the Senate concurring, that our members of Congress be requested, and our Senators instructed, to use all honourable means, that the rightful claims of the United States relative to said harbours, bays and inlets, be scrupulously maintained, and that an unequivocal policy on the part of the United States government in relation thereto, be fully carried out."

The editor of the *Colonist*, after quoting the resolution, quietly remarks: "This should be preserved as a literary and legislative curiosity. It is amazing that men, supposed to be intelligent and sensible, should stultify themselves by voting for such a resolution as the above. Those who supported it, we suppose, thought it would tickle the ears of ignorant and anti-British electors, for it seems there is nothing too absurd for the average American legislator to do or say, in order to increase his popularity. England, as far as we have heard, had done nothing towards rectifying the boundary line between British Columbia and Alaska. The complaint in Canada is, that Great Britain on these boundary questions is a good deal too slack; that she has allowed wide-awake American diplomatists to take advantage of her. With respect to this matter of the Alaskan boundary she seems to be quite apathetic. The matter has been quietly discussed in this province lately, but all that has been said is that Great Britain should take measures to ascertain the true boundary line, and not allow herself to lose territory through the carelessness or the ignorance of officials, either British or United States. The members of the legislature of the State of Washington may make themselves easy about the Alaskan boundary. The British want no more territory than is justly and legally theirs, and that they believe they will get without trouble when the two governments concerned, go about settling the boundary question in earnest. If the coasts, harbours, bays and inlets claimed by Great Britain do not belong to her, they will be readily surrendered when the day of settlement comes, let the State of Washington politicians resolute as they may. If they are not on the British side of the line British subjects are quite content that they should remain in the possession of the United States. That is all there is about it."

The librarian of the Province of British Columbia in a paper from him in the *Canadian Magazine* said: "Every circumstance and reasonable assumption favoured the contention that the Portland Canal of Vancouver's chart is not the Portland Channel meant in the Treaty. A line through Portland Canal is wholly

inconsistent with and contradictory of the general terms of the clause in question. Its acceptance in determining the boundary leads to an absurdity. Great Britain, therefore, is not bound to accept it as the boundary line."

The *Canadian Gazette*, London, January 30th, 1896, has the following editorial remarks: "We publish this week a memorandum by Mr. Alexander Begg, who has given careful study to the records here in London, which seems to show that the meaning of the treaty of 1825 is clear in determining that the boundary line, starting from the southernmost point of Prince of Wales Island, shall run northward along the channel which we now know as Clarence Strait, but which the treaty describes as Portland Channel. To assume, as United States maps do, that the channel meant is Portland Canal, an inlet into the British mainland, is not only to contradict the plain meaning of the treaty, but to make nonsense of the explanatory statements of Sir Charles Bagot and Mr. Canning, at the time of the negotiation of the treaty. We know no reason why Canada should hand over three million acres of land, and an all-important strategic position to the United States, when the treaty clearly stipulates that she should retain them."

On the 5th of March, following, the *Canadian Gazette* returned to the subject, and said: "General W. W. Duffield, superintendent of the United States coast geodetic survey, replies to the statements in the *Canadian Gazette* of January 30th above quoted." The editor says: "I propose to examine the reply of General Duffield, for, as I shall show, it only strengthens the case for an immediate inquiry into the circumstances, whereby United States maps claim as United States territory three million acres of land in a position of high strategic importance on the Pacific Coast; which the treaty of 1825 assigned beyond doubt to British sovereignty."

General Duffield is stated to have said in his reply that he attaches no importance to the dispatch which asserts that the United States has no right under the Anglo-Russian treaty of 1825, to 3,000,000 acres of land opposite Prince of Wales Island. The General is said to discredit the statement for several reasons: First, because, as he puts it, the language of the Anglo-Russian treaty (and that used by Russia in the transfer to the United States), are identical as far as the boundaries are concerned; those treaties prescribe that the starting point shall be the most southerly part of Prince of Wales Island, and that the line shall then proceed north through Portland Canal until it reaches the 56th parallel of latitude."

"We are at one with the General as to the accuracy of the starting point as mentioned, but we must differ from him when

he says: 'The line shall then proceed through Portland Canal.' Here is where the difficulty comes in. Portland Canal is not mentioned in the treaty; neither does Portland Canal reach the 56th degree of latitude. After referring to the proposed boundary along the coast, north of latitude 56 degrees General Duffield continues: "With this description in the treaties, I do not see how it is possible that there should be any difference between the two governments."

"Differences, however, do exist," the *Gazette* continues, "and General Duffield will require to show 'how it is possible' to reach the entrance to Portland Canal, by going north as required and described in the treaty, to the 56th degree of latitude, where the line of demarcation strikes the coast of the continent, before these differences can disappear. It may also be required that the United States representatives shall produce evidence to show why they have departed from the wording of the treaty and substituted a new line south of the 56th degree. It is a matter of fact that from the initial point of the line of demarcation, as mentioned in the treaty, the entrance to Portland Canal is slightly south of the said initial point, and about fifty miles to the east of it. It therefore follows, that to reach latitude 56 degrees, the point of intersection mentioned in the treaty on the coast of the continent, the line must run from south to north, and not east, or from west to east as the United States maps assume."

General Duffield further remarks: "Moreover, Portland Canal is clearly designated on the charts of Captain Vancouver, of the Royal Navy, which were in existence when the treaty between Russia and England was entered into, so there can be no doubt as to where Portland Canal is."

"Perfectly true: there is not the slightest difficulty about the locality of Portland Canal, neither is there any doubt that the framers of the treaty did not consult Vancouver's maps and charts and understood them thoroughly. They indicated very clearly where the meridional line of 132 degrees west longitude starting from Cape Chacon, should strike the coast of the continent at the 56th degree of latitude. This will be seen by examining the provincial maps of British Columbia, the Admiralty charts, or the United States official charts of that region, which show that the meridional line runs along the east coast of Prince of Wales Island, through Clarence Strait and strikes the coast of the continent in Ernest Sound, making a slight deflection to the west around Cape Camiana, following the channel (called Portland Channel) as described by Sir Charles Bagot and the Right Hon. George Canning, in 1824."

"The root of the matter is this," continues the *Gazette*: "Portland Canal is an inlet into the mainland, so named by Cap-

tain Vancouver in 1793 or '94; Portland Channel is a coastal water, so called by Canning in 1824-5. They are entirely distinct waters, in different directions. The Portland Channel is named in the treaty as a prolongation of Clarence Strait and Ernest Sound—a natural boundary for British dominions. Portland Canal is a purely inland water running into British territory; and to assume that when the treaty spoke of Portland Channel it meant Portland Canal, is to run in the face of all delimitations of the treaty, and of what an examination of the map shows to be the common sense of the question."

The strategetic importance of that portion of British Columbia now under review should be evident to every intelligent student of the map. The day will assuredly come, in the not very distant future, when new lines of railway and telegraph will cross the Canadian half of the continent, and these lines which under the new Imperial policy will make Canada the western highway of the Empire, must play a large part in its consolidation. Can we afford, therefore, to allow valuable strategetic and commercial points on the Pacific coast to pass into the hands of a foreign nation, when by treaty rights they are unquestionably British?

The necessity for such a protective arrangement was seen by the framers of the treaty; hence the stipulation to make the line of demarcation from the 56th degree, at not more than ten marine leagues from the ocean. This can easily be secured under international law, and what is the "ocean coast" can be ascertained without any expensive survey, and will furnish a just, practicable, convenient boundary line, in accordance with the wording of the treaty and prove an accommodation to the subjects of both nations, who may require to use it,—which could not be said of the boundary contended for by the United States, over glaciers and rocky promontories.

Since the appointment of the Joint Commission in 1892, the writer has carefully noted their reported proceedings. The United States commissioners have persistently contended for the boundary via Portland Canal from Cape Chacon; indeed, some of them have gone further west, to a neighbouring island, and have made its southernmost point (Cape Muzon) the initial of the boundary, as is shown on the United States official maps and charts. It is stated on a large map of Canada, from Ottawa to the Paris Exhibition (1900), that the Alaskan boundary is delineated according to the United States contention, commencing at Cape Muzon, and thence due east to Portland Canal.

To arrive at as full an understanding as possible of the treaty of 1825, and the Portland Canal contention the writer of

this review, in 1895-6 made a trip to London to consult the archives there. The Colonial and Foreign Offices gave him every opportunity to obtain information; but the researches failed to disclose anything in the records of negotiations or despatches touching the Alaskan boundary question, which gave the right of claim under the treaty to place the line of demarcation along or through Portland Canal. The direction and route indicated was by Clarence Strait and Ernest Sound to the 56th degree. The difficulties alluded to by General Duffield have arisen from the United States starting the line from Cape Chacon, on the wrong point of the compass—90 degrees astray.

In the House of Commons, Mr. Seton Karr (St. Helen's), in reference to the Alaskan boundary, asked the Secretary of State for the Colonies "whether his attention had been called to the result of the investigations of Mr. Alexander Begg, historiographer of British Columbia, regarding the boundary line between Alaska and British Columbia, south of the 56th parallel of latitude, as detailed in the *Canadian Gazette* of April 16th; whether it was a fact as contended by the British Columbia government, that 3,000,000 acres of land of high strategetic and commercial importance, on the Pacific Coast, opposite Prince of Wales Island, which was assigned to Great Britain by the Anglo-Russian treaty of 1825, was now marked upon United States official maps and charts as United States territory; and whether seeing that the Alaskan boundary south of the 56th parallel was not reported upon by the recent Alaskan Boundary Commission, he would suggest to the Canadian government that an early and independent investigation be made upon the subject."

The Right Hon. Mr. Chamberlain replied: "Mr. Begg has communicated to this department, from time to time, various memoranda, all of which have been duly transmitted to the Dominion government. * * * * When the question is ripe for diplomatic discussion, the points raised by Mr. Begg will no doubt receive due consideration for what they may be worth."

The *Canadian Gazette* of May 7th, 1896, referring to Mr. Chamberlain's remarks in the House of Commons says: "We gather that as soon as the final reports of the Survey Commission have been received, the most important aspect of the question will claim attention. Meanwhile it is enough to note Mr. Chamberlain's admission that the area which Mr. Begg maintains was assigned to Great Britain by the Anglo-Russian treaty of 1825, is marked on all United States maps as United States territory. Mr. Chamberlain might have added, that it is so marked even on some Canadian maps, for a dependence on Washington chartography would seem, in this instance, to have misled even the alert officials at Ottawa."

From the facts and statements in the foregoing review of the Alaskan boundary question, the following points may be accepted as fully demonstrated:—

1. That in 1793-4 Captain Vancouver discovered and took possession of all the islands of what he termed Prince of Wales Archipelago, from Cross Sound south to Dixon Entrance, in the name of and for the British sovereign.
2. That in 1799 'a charter was granted by the Russian Emperor Paul to an association of Siberian merchants to form the Russian American Company to trade with the natives.' The Russians extended their explorations to Baranoff Island and founded Sitka.
3. In 1821 Emperor Alexander issued the notorious imperial edict or ukase against which Britain protested. It was withdrawn under the united protest of Britain and the United States.
4. In 1825, the treaty which is now under discussion, as to its interpretation, was passed, after considerable negotiation between the British and Russian plenipotentiaries. The Hudson's Bay Company, being in possession of the British portion of the North American continent at the time, represented Great Britain under the treaty.
5. About the year 1838, the Russian possessions, south of Cross Sound to Dixon Entrance was leased to the Hudson Bay Company, as the Russians found they could not control the natives, nor prevent them from breaking the treaty by dealing with United States traders in intoxicating drink, fire arms, etc., in contravention of the treaty. The arrangements gave the Hudson's Bay Company entire control of the whole continent west of the Rocky Mountains, including the western frontier and islands of the Pacific fronting thereon.
6. The United States government in 1867 purchased the Russian possessions under the treaty of 1825, with all its rights and privileges.
7. Their interpretation of the treaty, according to Mr. Bayard's letter to his ambassador in London in 1885-6 asking for a joint commission to decide on a permanent location of the line of demarcation between Alaska and British Columbia and the Northwest Territories to the east of the 141st meridian of longitude, has led to great difficulties, in fact has been the stumbling block in the way of the Joint Commission concluding a fair settlement of the line of demarcation, and it may further be said,

that until the clear wording of the treaty of 1825 is followed, pure and simple from Cape Chacon, and thence north—from south to north, as the Right Hon. George Canning so clearly expressed it in his despatch, dated July 12th 1824, to Sir Charles Bagot; and until the course described in the treaty and in George Canning's despatches, and Sir Charles Bagot's negotiations with the Russian plenipotentiaries are strictly adhered to, it is useless to expect that Great Britain will, or can obtain justice in the settlement. Mr. George Canning's despatch last referred to reads "His Majesty's government have resolved to authorize Your Excellency to consent to include the south points of Prince of Wales Island, from south to north, Portland Channel, till it strikes the mainland in latitude 56th degrees; thence following the sinuosities of the coast along the base of the mountains nearest the sea to Mount Elias; and thence along the 139th degree of longitude to the Polar Sea. ((The 139th degree was corrected in the treaty to 141st degree.) Sir C. Bagot enclosed in a despatch to Mr. George Canning, along with other statements, one marked "D" in reference to which Sir Charles had previously informed the Russian plenipotentiaries; it contained his ultimate decision on that point. The statement plainly says, that the line of demarcation was to be drawn from the southern extremity of the strait called Duke of Clarence, through the middle of the strait, to the centre of the strait which separates the islands Prince of Wales and Duke of York from all the islands to the north of said islands; thence toward the east by the same strait (which must have meant Ernest Sound in Vancouver's map or chart) to the mainland, and afterwards along the coast of Mount St. Elias." There is no mention of Portland Canal, nor of going east to reach it. The name "Portland Channel" is not found on any of Vancouver's maps or charts nor any other maps or charts extant in 1824 or 1825, but Portland Channel is described fully, as aforementioned. The island "Duke of York" on Vancouver's map, referred to in the treaty negotiations has disappeared in United States maps and charts, and Etolin Island occupies its place. The authority for removing this landmark is not given.

8. This tampering with the treaty and changing the line of boundary—its direction—initial point—the substitution of Cape Muzon for Cape Chacon, the recognized initial point of the line of demarcation, in the treaty—"the strip of land" claimed by the United States on the continent immediately to the north of the 56th degree, should all be disallowed, as not in accordance with the treaty. The deflection of the boundary line from Cape Chacon, the southernmost point of Prince of Wales Island, running "east" instead of "north" along Portland Channel, and approxi-

mately on the 132nd meridian of longitude, as signified in the treaty, creates an impracticable and incorrect line entirely beyond the limits pointed out and defined in the treaty. Besides, there is no authority for using Cape Muzon as an initial point, as it is not situated on Prince of Wales Island—but being a separate island to the west of Prince of Wales Island, may or may not be included in the final interpretation of the treaty as having belonged to Russia.

9. The water-boundary running north from Cape Chacon to the 56th degree of north latitude, on the coast of the continent is accepted by a large number of British Columbians as being in accordance with the working, spirit and sense of the treaty. It forms a convenient, reasonable and practicable boundary to accommodate both countries, which the line by way of Portland Canal ~~is~~ is not, nor never can be.

10. As to the line from Cape Chacon, along Portland Channel to the continent at the 56th degree, it is contended by British Columbians that the correct line from that new point of departure (the 56th degree) in accordance with the treaty, should be retraced through Ernest Sound (a portion of Portland Channel) until the former line along the eastern coast of Prince of Wales would be reached, and following that line to what is now known as Sumner Strait (a portion of Clarence Strait on Vancouver's map and charts); thence crossing Sumner Strait, and working under the ten marine leagues measurement from the ocean coast, as a conventional boundary line, proceed northerly between the islands Kuiu and Kopreanof to Frederick Sound as far as the 57th degree of north latitude; thence west along that parallel to Chatham Strait, and thence to Icy Strait to the continental shore, at such point as might be deemed most convenient, to utilize "the strip of land" mentioned in the treaty; and thence ten marine leagues from the ocean coast to the 141st degree of longitude; and thence to the Arctic Ocean along the 141st meridian. It is but reasonable to conclude that Great Britain desired to protect the frontier of British Columbia, to the east of Prince of Wales Island and north to Cross Sound. This was effectually accomplished by the deflection of a branch of the main boundary through Ernest Sound to the continent at the 56th degree. Then by retracing the same line and joining the line of demarcation from Cape Chacon, continued along the east side of Prince of Wales Island as formerly mentioned, completed the southern portion.

11. The latest infringement in connection with the Cape Muzon extension line of boundary, is an imaginary line drawn

from Cape Muzon, east to the entrance of Portland Canal, thence north to the head of the Canal, and then westward (forming an elbow) to Burroughs Bay, where the line is supposed to cross the 56th degree of latitude. Should the interpretation of the treaty according to the contention and belief of many British Columbians who have studied the question, together with not a few of the citizens of the United States, (amongst others, Mr. J. W. Treadwell, of San Francisco, who wrote a conclusive article on the boundary question in 1897), be accepted, and the common sense, just view be adopted according to their contention, the Portland Canal boundary line, and its continuation along the frontier of the mainland must be abrogated, and the Portland Channel water boundary along Clarence to Cross Sound be accepted. The settlement—the just settlement of the question to both the United States and Canada, hinges on the direction of the line of boundary from Cape Chacon.

12. The *Edinburgh Review*, April, 1900, has a comprehensive article on the Alaskan boundary difficulty. Amongst other things it says: "It is commonly though erroneously supposed that the United States have exercised control at Dyea and Skagway for a considerable period of time. The facts are that Dyea and Skagway did not exist prior to the spring of 1897. At the opening of that year there was nothing more than a single log cabin or shanty at either place. In May the influx of miners to the Klondike began. Thousands of them arrived by steamer in the Lynn Canal, and congregated on its margin where Dyea and Skagway now stand. The necessities of this migration caused considerable trade and commerce. Without any survey or further diplomatic action respecting the position of the boundary, the United States government assumed political control of these points and established custom houses, post offices and other evidences of authority, with such reasonable diligence as the extreme difficulties of access to this territory and other circumstances permitted, Canada protested against this cavalier mode of solving the difficulty, and urged the desirability of establishing the boundary line as contemplated by the convention of 1892." The United States people are continuing this summer to take possession of land in Clarence Strait, on Island Revilla Gigedo, and on locations along Behm Canal—complications are increasing, and hence the greater necessity for an early settlement of the boundary.

13. A few points in the *Edinburgh Review* article from a British Columbian point of view require amendment. For example on page 287, last paragraph, it is stated that: "Having ascertained the southernmost point of Prince of Wales Island,

one is suddenly confronted by the fact that between it and Portland Channel sixty miles of ocean intervene. Furthermore, Portland Channel lies almost due east from the southernmost point. * * * * Again, the line is to ascend north along Portland Channel, until it strikes the 56th degree of north latitude. But Portland Channel does not attain to latitude 56 degrees, etc." The difficulty here is the substitution of the name Portland Channel for Portland Canal. The name Portland Channel was not used by Capt. Vancouver in his maps or charts —only Portland Canal—and Portland Channel was only used in the description of the line of treaty by George Canning and Sir C. Bagot. The change of the name seems a small affair, but when it applies to a different body of water and gives the boundary another line or direction it makes the treaty unpracticable, and unworkable. That the name "Portland Channel" should have been written Portland Canal, appears evident from the explanations and the reference of "sixty miles of open ocean" between Cape Chacon and Portland Canal, whereas Portland Channel as named and described in the treaty is alongside Prince of Wales Island, and furnishes a water boundary, as mentioned by the framers of the treaty to lead to the 56th degree on the coast of the continent. The paragraph quoted is therefore, incorrect, except where it says the line is to "ascend north-along Portland Channel" to the 56th degree, and the error, though apparently trivial, has been the cause of the principal misinterpretations of the treaty. It affects the whole continental frontier of British Columbia from Cape Fox to Cross Sound. Also on page 288, par. 4, a mistake occurs. It is stated that "both parties concur in holding Cape Muzon to be the southernmost point of Prince of Wales Island. * * * * and both acknowledge that the body of water to-day known as Portland Canal, is, despite the erroneous description in the treaty, the channel along which the line is to ascend." The foregoing extract does not state fact. There is no erroneous description in the treaty; "both parties do not concur in holding Cape Muzon to be the southernmost point of Prince of Wales Island;" whereas Cape Muzon is on Dall Island, which is over forty miles long, and is situated to the westward of Cape Chacon. Again, the article quoted says: The British contention is that the Portland Channel of the treaty is the channel as marked on Vancouver's charts, and described in his narrative in terms that leave no doubt as to the body of water which he intended them to apply." There is no such British contention which would substitute Portland Channel as described in the treaty for Portland Canal; neither does Portland Canal afford the "first natural boundary on the continent, south of the 55th degree."

The natural boundary conceded by British Columbians is Clarence Strait, (the Portland Channel of the treaty.) There seems to be a discrepancy on page 290, top paragraph, which says: "Canada also contends that, having determined the point of departure (Cape Muzon) etc., the reference appears untenable, and it may be that the word "Canada" has been substituted in error by the printer, for "United States."

Numerous examples could be furnished to exhibit how unjust and unwarrantable many British Columbians consider the action which their neighbours of the United States have taken in occupying the lands claimed by them under the treaty of 1825, but to which until the subject is decided, one party has the same right at the other. British Columbians blame their neighbours, not only for the manner in which they take possession of the land but for the tardiness they manifest in allowing the disputed lands to come to a final settlement. British Columbia does not wish a foot of land from the United States, beyond what the treaty authorizes—but she expects to get the whole of that. Neither country is badly off for room or scarcity of land: that, however, does not affect the rights of either, nor the sovereignty of the lands in dispute. Many able writers in Canada and Britain have expressed their views on the subject. Amongst others the *Toronto Globe*, which in an editorial which appeared in that paper in September, 1899, says: "When the Alaskan boundary question comes to be settled, we hope it will be settled in a manner worthy of civilized nations, and not in the manner of dogs fighting for a bone."

From the *Victoria Times*, December 5th, 1900:

PRESIDENT M'KINLEY ON THE MODUS VIVENDI.

To the Editor: In his annual message to Congress, December 3rd inst., President McKinley refers to the settlement of the Alaskan boundary question. The smooth working of the *modus vivendi*, passed in October, 1899, for the convenience of miners near the head of Lynn Canal, belonging either to Canada or to the United States called forth expressions of satisfaction; but the President remarks, "however necessary such an expedient may have been to tide over the grave emergency of the situation, it is at best an unsatisfactory makeshift, which should not be suffered to delay the speedy and complete establishment of a frontier line, to which we are entitled under the Russo-American treaty for the cession of Alaska."

There need be no difficulty or delay in definitely marking the boundary where it follows the 141st meridian, nor after

leaving the 141st meridian along the coast of the continent, as far as Cross Sound. From that point, however, it becomes necessary under international law, to have defined and established the position of the coast of the continent, as the treaty says: "The limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

ALEXANDER BEGG.

December 4th, 1900.

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